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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,852	05/15/2006	Andreas Reineke	BE9139PCT(US)	7884
22203	7590	09/20/2010		
KUSNER & JAFFE HIGHLAND PLACE SUITE 310 6151 WILSON MILLS ROAD HIGHLAND HEIGHTS, OH 44143				
EXAMINER				
ING, MATTHEW W				
ART UNIT		PAPER NUMBER		
3637				
MAIL DATE		DELIVERY MODE		
09/20/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/533,852

Applicant(s)

REINEKE, ANDREAS

Examiner

MATTHEW W. ING

Art Unit

3637

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-2, 5-10, & 12-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 5-10, & 12-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

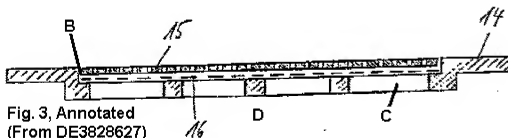
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.



2. Claims 1-3, 5-8, 10, & 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herbst (DE3828627) in view of Behl (6,185,097). Herbst teach(es) the structure substantially as claimed, including at least one casing wall (14) having a recess (space between 15 & C) integrally formed therein, said recess facing an interior (D) of the casing, the recess is constructed with at least one ventilation opening (C), the recess is covered by a cover (15) on the outside at least in the area of the ventilation opening (C) and the cover (15) is attached to the casing wall, as well as unnamed connecting means securing said cover to said recess. The only difference between Herbst and the invention as claimed is that Herbst fail(s) to teach detachably affixing a cover to a portion of said casing wall forming a bottom of the recess. Behl, however, teaches attachment means (72) for detachably affixing a cover (36) to a portion (74) of a casing wall (38) forming a bottom of a recess (Fig. 2). It would have been obvious to one of ordinary skill in the art to utilize attachment means, as taught by Behl, to detachably affix the cover of Herbst to the bottom of the recess thereof, in order to provide a detachable connection therebetween, and in order to facilitate replacement of said cover, and since the substitution of

one known connecting means for another would have yielded predictable results, thereby providing the structure substantially as claimed.

3. Regarding claims 1, 12, & 13, Herbst as modified teaches an outer edge of a cover (15) and wall (14) forming a circumferential slot (B in Fig. 3 annotated) therebetween, and defining a convoluted path for drawing air from said slot to the opening (C). It is noted that air entering the opening (C) from the exterior must make either two or three turns, depending on whether said air is flowing perpendicular or parallel to the cover. As such, the path defined for said air by Herbst as modified is therefore viewed as being "convoluted".

4. Regarding claim 2, Herbst as modified by Behl teaches a casing wall (14 in Herbst) and the cover (15) that form a substantially flush surface.

5. Regarding claims 5 & 12, Herbst as modified by Behl teaches a cover (36 of Behl) has at least one cross-piece (72) which can be inserted in a corresponding fixing opening (74) of the recess (Fig. 2).

6. Regarding claims 6-8, Herbst as modified by Behl teaches a air-permeable (via through holes in 15) circular cover (15) arranged as an air-filter (since particulates larger than the holes in 15 will not pass therethrough). Even assuming, *arguendo*, that the cover (15) is not circular, whereas the examiner takes official notice that the practice of varying the shape of a cover well known in the art, it therefore would have been an obvious design consideration to one of ordinary skill in the art to modify the cover of Herbst as modified, by making said cover circular, depending on the desired needs of the person constructing the cover (e.g., intended use of the cover, aesthetic considerations, ease of manufacture, etc.), thereby providing the structure substantially as claimed.

7. Regarding claim 10, Herbst as modified by Behl teaches a recess (space between 15 & C of Herbst) comprising a plurality of ventilation openings (C).

8. Regarding claim 13, Herbst as modified by Behl teaches a cover (15) spaced from said casing wall (14) to define an annular gap (B) running therebetween. Alternately, the examiner takes official notice that mere relocation of the essential working parts of a device is well known in the art; and that whereas applicant fails to recite any specific utility associated with the placement of the cross-pieces disclosed in the instant application, it therefore would have been an obvious design consideration to one of ordinary skill in the art to relocate the cross-pieces of Herbst as modified to the center of the cover thereof, in order to permit increased airflow at the edges thereof, and depending on the desired needs of the person constructing the cover (e.g., intended use of the cover, aesthetic considerations,, etc.), thereby providing the structure substantially as claimed.

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Herbst (DE3828627) & Behl (6,185,097) as applied to the claim(s) above, further in view of Paterson (5,547,272). Herbst & Behl teach(es) the structure substantially as claimed, including a cover (12). The only difference between Herbst & Behl and the invention as claimed is that Herbst & Behl fail(s) to teach a cover consisting of plastic. Paterson, however, teaches a cover consisting of plastic (col. 2, lines 51-52). It would have been obvious to one of ordinary skill in the art to make the cover of Herbst as modified from plastic, as taught by Paterson, in order to reduce the weight & increase the corrosion resistance thereof, thereby providing the structure substantially as claimed.

Response to Arguments

10. Applicant's arguments with respect to claims 1-2, 5-10, & 12-13 have been considered but are not persuasive.

11. In response to applicant's argument that "Herbst does not teach, suggest or show a casing of a computer wherein an outer edge of a cover and a wall form a circumferential slot therebetween and wherein the cover and the wall define a *convoluted path* for drawing air from the circumferential slot to an opening in the wall," the examiner notes that Herbst nowhere states or implies that the circumferential slot designated "B" in Fig. 3 annotated does not exist. The specification of Herbst does not, for example, describe 15 as being secured to 14 via tight-fit, threaded attachment, or other means that would imply the absence of a circumferential slot. Item B in Fig. 3 annotated would be readily understood by a person of skill in the art to be a circumferential "slot". Given the presence of Item B on both sides of the cross-section depicted in Fig. 3 annotated, it is therefore reasonable to conclude that Item B in does indeed denote a circumferential slot. Similarly, while Herbst does discuss the existence of laminar flow via the perforations in Items 14-15 thereof, he nowhere states that the aforementioned circumferential slot is incapable of permitting the passage of air therethrough. As such, since said circumferential slot is - as discussed above - obviously convoluted, and is capable of accommodating air flow therethrough, the structure of Herbst as modified is viewed as reading upon the limitations of claims 1 & 12-13. Applicant's argument to the contrary is therefore not found persuasive.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW W. ING whose telephone number is (571)272-6536. The examiner can normally be reached on Monday through Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darnell M. Jayne can be reached on (571) 272-7723. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Darnell M Jayne/
Supervisory Patent Examiner, Art Unit 3637

MWI
9/13/10